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Compilation on Argentina

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Regarding the relevant recommendation from the second cycle of the universal periodic review,[3] three Committees welcomed the ratification by Argentina in 2015 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

3. Regarding the relevant recommendations,[5] the Committee on the Elimination of Discrimination against Women welcomed the ratification by Argentina in 2014 of the 1961 Convention on the Reduction of Statelessness and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[6]

4. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance urged Argentina to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against all Forms of Discrimination and Intolerance.[7]

5. In 2016, the Working Group on Enforced or Involuntary Disappearances indicated that Argentina had 3,244 outstanding cases and that on 26 August 2016, the Government had transmitted information regarding 2,962 of them. On the basis of the information provided, the Working Group had decided to apply the six-month rule to 158 cases, after which they would be considered as clarified.[8]

6. Argentina submitted a midterm review on follow-up to the recommendations received during the universal periodic review held in 2012.[9]

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7. Argentina is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South America. OHCHR worked with Argentina on the establishment of a national preventive mechanism against torture and the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. OHCHR provided technical assistance to enhance the capacities of State officials and civil society organizations on the use of international human rights mechanisms and collaborated with the national human rights institution to develop guidelines on monitoring social protests.[10]

8. Argentina made annual contributions to OHCHR during the period 2012-2016, including to the Voluntary Fund for Victims of Torture, the Voluntary Fund for Indigenous Peoples and the Special Fund established by the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.[11]

III. National human rights framework[12]

9. The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2014 of the National Code of Criminal Procedure.[13] Two other committees welcomed the adoption in 2016 of the Justice 2020 Programme.[14]

10. In 2016, two Committees noted with concern that no Ombudsman had been appointed since 2009.[15]

11. Several Committees regretted that, despite the adoption of Act No. 26827 in 2012, the national preventive mechanism against torture had not yet been implemented. They recommended that Argentina expedite the establishment of the mechanism in all provinces, provide it with sufficient human and financial resources, and protect its independence.[16]

12. The United Nations country team recommended that a national human rights plan with clear, specific and measurable goals should be developed and implemented in a participatory manner.[17]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[18]

13. The Committee on the Elimination of Discrimination against Women was concerned about the persistence of discriminatory stereotypes regarding the roles of women and men in the family and in society, intersecting forms of discrimination and the deep-rooted culture of machismo.[19]

14. The Committee on the Elimination of Racial Discrimination noted the recognition by Argentina of the multi-ethnic and multicultural character of its population. However, it was concerned about persistent structural discrimination against indigenous peoples and people of African descent.[20] The Special Rapporteur on racism called on Argentina to develop a comprehensive multisectoral national strategy to address the rights of indigenous peoples and other groups subjected to discrimination. He recommended elevating racial discrimination to a criminal offence, while adopting the definition contained in the International Convention on the Elimination of All Forms of Racial Discrimination.[21]

15. The United Nations country team recommended that the National Institute to Combat Discrimination, Xenophobia and Racism should be strengthened, especially at provincial level, and that the National Plan against Discrimination should be effectively implemented, with the active participation of interested groups.[22]

16. The United Nations country team observed that the figures on people of African descent in the 2010 population census had been questioned and recommended that the National Institute of Statistics and Censuses work with all interested parties in designing questionnaires for the next census.[17]

17. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity commended Argentina for its progressive laws and policies, but urged it to do more to combat institutional violence. He called on Argentina to adopt a new anti-discrimination law with reference to sexual orientation and gender identity.[18] The United Nations country team recommended that Argentina should promote the implementation of the Plan for LGBT Citizens and adopt it as public policy. [19]

2. Development, the environment, and business and human rights

18. The United Nations country team recognized the significant progress made in the area of environmental standards and recommended that the Ministry of the Environment and Sustainable Development and the Federal Environmental Council should be strengthened and that the implementation of environmental standards and public participation in decision-making on production activities should be enhanced.[20]

B. Civil and political rights

1. Right to life, liberty and security of person[21]

19. The Committee against Torture was concerned that the definition of torture set out in the Criminal Code was not in conformity with the provisions of article 1 of the Convention against Torture, since it did not attribute criminal responsibility for torture to a sufficiently wide range of perpetrators or include the purpose of the conduct in question in the basic definition of the offence.[22]

20. The Committee was also concerned about reported patterns of violence and arbitrary behaviour by the federal and provincial security forces in connection with police custody taking place without a court order, particularly in cases involving socially marginalized young people and children. Such abuses could include attempted murder, enforced disappearances and acts of torture. The Committee urged Argentina to investigate all allegations of abuse and bring to justice the alleged perpetrators and their superiors who knew, or should have known, that those acts were being committed.[23] The Working Group on Arbitrary Detention urged Argentina to put an end to the practice of detaining persons when such detention was not related to the commission of an offence, in accordance with article 9 of the International Covenant on Civil and Political Rights.[24]

21. The Committee on the Elimination of Discrimination against Women was concerned about hate crimes against lesbian, bisexual, transgender and intersex persons, including reports of harassment by the police, murders of transgender women, and the killing of lesbian, bisexual, transgender and intersex activists.[25]

22. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that Argentina ensure that all persons arrested were promptly examined by medical personnel, and guarantee effective round-the-clock medical assistance in all prisons.[26]

23. Two Committees reiterated their concern regarding the long duration of pretrial detention and the large percentage of prisoners in that situation, which had reached 60 per cent. They recommended that Argentina ensure that the application of pretrial detention was not the norm and that its duration was strictly limited, and expedite the application of non-custodial alternatives.[27] The Subcommittee on Prevention of Torture recommended ensuring that prisoners on remand were separated from convicted prisoners.[28]

24. The United Nations country team observed that, both at federal and provincial level, there were still high levels of overcrowding (as also demonstrated by the use of police stations as permanent detention facilities), poor conditions in places of detention and lack of access to adequate health services. It recommended that detention conditions should be

improved, that alternative steps should be taken to reduce overcrowding and that the fundamental needs of persons deprived of liberty should be met. [77] The Working Group on Arbitrary Detention made similar recommendations and urged the authorities to stop holding people at police stations. [78]

25. The Human Rights Committee was concerned at reports of humiliating searches, high rates of inter-prisoner violence, forced transfers and the recurrent use of solitary confinement as a method of punishment. It recommended that Argentina ensure that all complaints of torture and ill-treatment were investigated promptly, thoroughly and independently, that the perpetrators of such acts were brought to justice, and that victims received appropriate reparation. It also recommended that Argentina implement a unified registration system for acts and victims of torture. [79] The Working Group on Arbitrary Detention strongly urged the authorities to guarantee that the Office of the Ombudsman for the Prison System would have unhindered access to all facilities where people were deprived of liberty. [80]

26. In August 2016, the Working Group on Arbitrary Detention found the detention of Milagro Sala, leader of the Tupac Amaru Neighbourhood Association, to be arbitrary and requested her release. [81]

27. The Committee on the Elimination of Discrimination against Women recommended accelerating the implementation of Act No. 26472 and providing alternatives to detention for pregnant women and mothers with young children. [82]

28. Two Committees noted with concern that, despite the fact that the National Mental Health Act was based on the human rights model of disability, involuntary committal of persons with disabilities was still common. [83]

2. Administration of justice, including impunity, and the rule of law [84]

29. In 2016, the Human Rights Committee reiterated its concern about the slow pace of investigation of past human rights violations and of the corresponding trials. It welcomed the preparation of a report on the responsibility of business owners for offences committed against workers during the dictatorship and the establishment of a bicameral committee tasked with identifying instances of economic collusion during that period. However, it regretted that obstacles were hampering the progress of the investigations and that the bilateral committee had not yet been set up. [85]

30. The Committee expressed its concern about the appointment of a former member of the military as the Director of the National Programme for the Protection of Witnesses and Defendants. [86] The Committee on Enforced Disappearances was concerned that the high-profile case of Jorge Julio López, a witness who was the victim of enforced disappearance, remained unresolved and continued to have an intimidating effect on other potential witnesses. [87]

31. In 2017, a group of human rights experts from the United Nations requested the Supreme Court to reconsider its interpretation in the Muiña case as to whether a more lenient law applied to the sentencing of a person convicted of crimes against humanity (the so-called "2x1 law") and to meet the State's international obligations to impose appropriate and proportionate penalties on those responsible for crimes against humanity. [88]

32. The Human Rights Committee recommended that Argentina ensure that the Federal Office of the Public Defender and the offices of the public defender at the provincial level had the necessary resources and independence to perform their duties effectively in all regions of the country. [89]

33. The Committee on the Elimination of Discrimination against Women recommended that Argentina strengthen the role of the Women's Office at the Supreme Court to monitor respect for gender equality in the work of the judiciary. [90]

34. The Special Rapporteur on racism recommended that Argentina establish a multicultural approach to the administration of justice, including through the establishment of specialized courts to deal with indigenous issues, the training of judicial professionals,

the integration of minority groups in the judicial system and the provision of interpreters, translators and free legal counsel.[47]

39. The Human Rights Committee recommended that Argentina step up its efforts to bring to justice those responsible for the attack on the Argentine Jewish Mutual Association building in 1994, and ensure that the investigation was brought to a prompt, effective, independent, impartial and transparent conclusion.[48]

40. The United Nations country team recommended that progress should be made with the adoption of a juvenile criminal justice act that would create a specialized system in line with international human rights standards.[49]

3. Fundamental freedoms and the right to participate in public and political life[50]

41. The United Nations country team observed that there was little participation by women in the decision-making bodies of political parties.[51] The Committee on the Elimination of Discrimination against Women recommended that Argentina approve the draft bills establishing gender parity in the executive branch, the Supreme Court and in elective positions, and implement Act No. 25674 of 2002 aimed at ensuring women's representation in trade union positions.[52]

42. The Special Rapporteur on racism urged Argentina to establish affirmative action measures to ensure the effective representation of all minority groups in the highest decision-making positions.[53]

43. The Committee on the Elimination of Racial Discrimination was concerned about acts of retaliation, intimidation and threats against human rights defenders and members of indigenous peoples, people of African descent and migrants and the criminalization they endured because of their human rights activities. It urged Argentina to take all necessary steps to protect human rights defenders, and to investigate all acts of intimidation and violence against them and their communities and ensure that perpetrators were punished appropriately. It also urged Argentina to ensure due process guarantees in proceedings against human rights defenders, members of indigenous communities, people of African descent and migrants.[54]

44. The Working Group on Arbitrary Detention was particularly alarmed at the disproportionate response by the law enforcement authorities to the protests carried out by indigenous peoples and encouraged Argentina to resume dialogue with indigenous communities.[55]

45. The Human Rights Committee noted with concern recent changes in the Audiovisual Communications Services that could result in the concentration of media ownership.[56]The United Nations country team reported that new regulations had been announced for that sector and recommended that the process should be open, participatory and transparent, and that legal reforms should meet international standards.[57]

46. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Argentina facilitate the introduction of self-regulatory mechanisms, including a code of ethics, among media professionals.[58]

47. The Special Rapporteur on racism noted with utmost concern the xenophobic and stigmatizing discourse expressed by public officials and politicians. He urged Argentina to raise State officials' awareness with regard to their responsibility in shaping public opinion.[59]

48. With reference to the recommendation in question,[60] in 2016 OHCHR expressed satisfaction at the adoption of the Access to Public Information Act.[61] The United Nations country team recommended that the new public policy should be disseminated more widely and that indicators should be developed in line with Sustainable Development Goal 16.10.[62]

4. Prohibition of all forms of slavery[63]

49. Regarding the relevant recommendation,[64] the Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 26842 on the prevention

and punishment of trafficking in persons and assistance to victims. However, it noted with concern the lack of harmonization of provincial legislation with that at the federal level.[67]

46. The Committee recommended that Argentina build the capacity of the judiciary and the police to investigate cases involving trafficking and exploitation of prostitution in a gender-sensitive manner and to prosecute and adequately punish perpetrators. It also recommended that Argentina establish a referral and identification mechanism, increase funding for shelters and provide assistance to women and girl victims of trafficking and exploitation of prostitution.[68]

47. The United Nations country team recommended that the Federal Council to Combat Human Trafficking and Exploitation should be strengthened, that a national trafficking plan should be drafted and that a single statistical system to provide information on, monitor and evaluate the situation of victims of trafficking should be put in place.[69]

48. The Committee on the Elimination of Discrimination against Women was concerned about the persistent exploitation of child labour, including in domestic work and in private sector businesses. It recommended that Argentina strictly enforce legislation on the minimum age of work and conduct awareness-raising campaigns to tackle child labour.[70]

5. Right to privacy and family life

49. The Committee on the Rights of Persons with Disabilities noted with concern that the right to form a family was denied to some persons with disabilities, especially those declared "insane" or "lacking legal capacity". It urged Argentina to amend the Civil Code to bring it into line with the Convention on the Rights of Persons with Disabilities.[71]

50. The Committee on the Elimination of Discrimination against Women recommended that Argentina collect disaggregated data on marriage of adolescents over 16 and under 18 years of age and define clear criteria to assess applications for judicial authorization of such marriages.[72]

51. The Independent Expert on sexual orientation and gender identity welcomed the law recognizing same-sex marriage.[73]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[74]

52. The Committee on the Elimination of Discrimination against Women was concerned about the unemployment of women and their concentration in the informal sector of the economy. It recommended that Argentina create more opportunities for women to gain access to formal employment and adopt a time-bound plan to implement the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).[75] The Human Rights Committee deplored the persistence of the significant wage gap, 25 per cent on average, between men and women.[76]

53. The Committee on the Elimination of Racial Discrimination noted with concern the difficulties faced by members of indigenous peoples, people of African descent and migrants in gaining access to the formal sector of the labour market.[77]

54. The Committee on the Rights of Persons with Disabilities took note of the minimum quota of 4 per cent for the employment of persons with disabilities in the public sector. However, it was concerned about the cultural barriers and prejudices that hindered persons with disabilities from entering the labour market, particularly in the private sector.[78]

55. The Human Rights Committee welcomed the adoption in 2015 of the Hiring Quota Act for Transvestites, Transsexuals and Transgender Persons of the Province of Buenos Aires.[79]

2. Right to social security

56. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic,

social and cultural rights, commended Argentina for the social policies implemented, including non-contributory pensions and the universal child allowance. Nevertheless, he was concerned that some of the social benefits excluded certain marginalized and disadvantaged groups, such as migrants and their children, due to continued residency requirements. He urged the Government to ensure unrestricted coverage of social benefits.[90]

3. Right to an adequate standard of living[91]

57. The Committee on the Elimination of Racial Discrimination recommended that Argentina promote social inclusion, seek to reduce the high levels of poverty among indigenous peoples, people of African descent and migrants, particularly those in an irregular situation, and take the necessary steps to meet the Sustainable Development Goals. It was particularly concerned about cases of malnutrition in children from indigenous communities and recommended that Argentina strengthen its efforts to address that situation.[92]

58. The Independent Expert on foreign debt noted that Argentina continued to have a serious shortage of adequate housing and millions of Argentines continued to live in substandard conditions, including in slums. He urged the Government to expand its investment in housing programmes.[93]

59. The Committee on the Elimination of Racial Discrimination noted with concern the difficulties experienced by indigenous communities in gaining access to water, which were compounded by the lack of titling of their lands and the activities of companies that exploited natural resources.[94]

60. In 2016, two human rights experts from the United Nations requested Argentina to resolve the interprovincial conflict over the Atuel river once and for all, guaranteeing equitable access to water and respect for the human rights of the thousands of people affected over the last six decades.[95]

4. Right to health[96]

61. The Independent Expert on foreign debt noted that, while health expenditure in Argentina was higher than in other Latin American countries, resources were unevenly distributed; depending on province, region and location, there were significant discrepancies in the quality and accessibility of health care.[97]

62. The Special Rapporteur on racism noted that indigenous people, especially in the northern provinces, faced difficulties owing to the implementation of health policies that disregarded their cultural identity. In public health centres, the presence of translators and interpreters remained rare and little regard had been given to indigenous culture, including traditional medicinal practices.[98]

63. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 26862 on assisted fertilization, in 2013, and of a guide on the comprehensive health care of transgender persons, in 2015.[99]

64. The Committee was concerned about the high rate of early pregnancy. It recommended that Argentina ensure access to counselling and education on sexual and reproductive rights for adolescent girls and boys, conduct awareness-raising campaigns about modern contraceptive methods and increase access to safe and affordable contraceptives.[100] The United Nations country team recommended that the National Programme for Comprehensive Sexual Education should be followed in all provinces and that the necessary economic and human resources and infrastructure should be guaranteed.[101]

65. The Human Rights Committee was concerned that the Supreme Court ruling in the 2012 *F., A.L. s/medida autosatisfactiva* case, which had reaffirmed women's right to terminate their pregnancy in all circumstances permitted by law, was not being uniformly applied and that legal abortion was often inaccessible.[102]The United Nations country team observed that, in 2015, the Ministry of Health had prepared a protocol for the comprehensive care of persons entitled to a legal termination of pregnancy, but that only 8 of the 24 provinces had drafted such a protocol.[103]

66. The Committee on the Elimination of Discrimination against Women urged Argentina to accelerate the adoption of the bill for the voluntary interruption of pregnancy, increasing legal access to abortion, not only in cases of rape and risk to the life or health of the pregnant woman but also other circumstances such as incest and severe fetal impairment. It also urged Argentina to define and apply strict justification requirements to prevent the blanket use of conscientious objection by doctors refusing to perform abortions. [94] The Special Rapporteur on violence against women, its causes and consequences, made similar recommendations.[95]

67. The Committee on the Elimination of Discrimination against Women was deeply concerned about the stagnation of the maternal mortality rate and urged Argentina to ensure that women had access to appropriate services in connection with pregnancy and to increase the budget allocations for the provision of gynaecological and obstetric services in rural and remote areas.[96]

68. The Committee on the Rights of Persons with Disabilities urged Argentina to ensure that hospitals and health centres were accessible to persons with disabilities and to provide training for health personnel on the right to health of persons with disabilities.[97] It also recommended that Argentina adopt protocols for ensuring that all persons with disabilities gave their free and informed consent for any type of medical treatment before it was administered.[98]

69. The Independent Expert on foreign debt was concerned about the health effects of agricultural pesticide spraying, including increased congenital birth defects and child cancers, in certain areas where soybean production had significantly increased.[99]

70. Regarding the relevant recommendation,[100] the Committee on the Elimination of Discrimination against Women recommended that Argentina ratify the World Health Organization Framework Convention on Tobacco Control, reduce the high tobacco consumption among adolescents and address the health consequences of such consumption.[101]

5. Right to education[102]

71. The United Nations country team recommended that provision of resources and infrastructure in the primary and secondary education systems should be guaranteed so as to extend coverage, reduce inequity among regions and ensure high quality, particularly in schools attended by children from vulnerable population groups.[103]

72. The Committee on the Elimination of Discrimination against Women commended Argentina on the high literacy rate of 98 per cent for women and men above 15 years of age. However, it noted with concern the high number of girls who dropped out of school owing to early pregnancy, and the low enrolment and resulting high illiteracy rates among indigenous women and girls.[104]

73. The Special Rapporteur on racism recommended that Argentina implement without further delay the bilingual, intercultural education programme envisaged in the Constitution and involve indigenous communities at all stages of designing and implementing curricula to that effect.[105]

74. The Committee on the Rights of Persons with Disabilities noted that the legal framework regulating education in Argentina expressly recognized the principle of inclusive education. However, the Committee was deeply concerned about the high number of children with disabilities who attended special schools, and recommended that Argentina develop a comprehensive inclusive education policy and allocate sufficient budgetary resources to it.[106]

D. Rights of specific persons or groups

1. Women[107]

75. The Committee on the Elimination of Discrimination against Women was concerned about the lack of effective implementation of the comprehensive legislative framework for the advancement of women, resulting in de facto discrimination against women.[108]

76. The Committee recommended that Argentina increase the human, technical and financial resources of the National Council for Women and give it ministerial rank. It also recommended that Argentina strengthen efforts aimed at permanent coordination between the National Council and the provincial and municipal women's offices for the implementation of national plans on gender equality.[109]

77. The Committee welcomed the adoption of the National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019) and recommended that Argentina allocate adequate budgetary resources for its effective implementation.[110]

78. The Human Rights Committee welcomed the adoption of Act No. 27210 of 2015, which provided for the establishment of a pool of qualified lawyers to provide legal aid to victims of gender-based violence, but regretted that the Act had not yet been implemented.[111] The Special Rapporteur on violence against women recommended that Argentina urgently ensure that sufficient safe shelters for women victims of gender-based violence, funded by the State or the provinces, were available and easily accessible in every province.[112]

79. The Special Rapporteur stated that Argentina should strengthen its actions to prevent and combat femicide and other forms of gender-based violence.[113] She noted that, while the Criminal Code provided for the crime of femicide as aggravated homicide, she had received reports that prosecutions and sentences for such crimes were extremely rare.[114] She recommended that Argentina accelerate the implementation of the Latin American Model Protocol for the investigation of gender-related killings of women, which set out guidelines for conducting effective criminal investigations into such killings.[115]

80. The Special Rapporteur welcomed the initiative of the Office of the National Ombudsman to establish a femicide observatory, and encouraged all relevant institutions to support and cooperate with it.[116]

2. Children[117]

81. The United Nations country team recommended that the necessary steps should be taken to guarantee universal registration of births, with particular emphasis on indigenous children.[118]

82. The United Nations country team also recommended that all provinces should either approve their own laws or adopt the National Act on the Comprehensive Protection of the Rights of Children and Adolescents and should establish comprehensive protection systems at provincial level with appropriate budget allocations.[119]

83. The Special Rapporteur on violence against women was concerned that the Criminal Code set the minimum age for sexual consent at only 13 and that the definition of rape was not based directly on lack of consent, but rather on the use of force.[120]

84. The Human Rights Committee was concerned that corporal punishment was not explicitly prohibited as a disciplinary measure in the home, in schools, in detention centres or in childcare institutions.[121]

3. Persons with disabilities[122]

85. The Committee on the Rights of Persons with Disabilities urged Argentina to bring all its federal, provincial and local legislation into line with the Convention on the Rights of Persons with Disabilities and to ensure the effective participation of organizations representing persons with disabilities in that process.[123]

86. The Committee recommended that Argentina raise the institutional rank of the National Advisory Commission on the Integration of Persons with Disabilities and endow it with the human and financial resources it needed in order to effectively fulfil its mandate to coordinate the implementation of the Convention.[124]

87. The Committee urged Argentina to ensure that the relevant laws and regulations defined the denial of reasonable accommodation as a form of discrimination on the grounds of disability.[125]

88. The Committee urged Argentina to adopt laws and policies that replaced the substitute decision-making system with a supported decision-making model that upheld the autonomy, wishes and preferences of the persons concerned.[126]

4. Minorities and indigenous peoples[127]

89. The Special Rapporteur on racism noted with grave concern the continued invisibility of the most marginalized groups, especially indigenous peoples.[128] The Committee on the Elimination of Racial Discrimination urged Argentina to ensure the full participation of indigenous peoples, people of African descent and migrants in the institutions that represented them or worked to combat racial discrimination. It also urged Argentina to ensure that those institutions were fully autonomous and were provided with the necessary funding and staff, and to consider establishing offices of those institutions in all provinces.[129]

90. The same Committee called upon Argentina to ensure that legislative or administrative measures that could affect indigenous peoples and all infrastructure and natural resource exploitation projects were subjected to a process of prior consultation with a view to securing indigenous peoples' free, prior and informed consent.[130]

91. The Committee noted with concern that, while Act No. 26160 provided for the surveying and demarcation of the lands traditionally occupied by indigenous peoples, its implementation had been hindered by complications and delays.[131] The Committee was especially concerned about the high number of evictions of indigenous people that were carried out, despite the entry into force of Act No. 26160. It urged Argentina to ensure that indigenous peoples were protected from forced evictions, ensure the safety of indigenous peoples who were subjected to threats, harassment and other violent acts, and punish the perpetrators of such acts.[132]

5. Migrants, refugees, asylum seekers and internally displaced persons[133]

92. The Committee on the Elimination of Racial Discrimination took note of the advanced legislation in the field of migration in Argentina. However, it was concerned about discrimination against migrants, particularly those from the Senegalese and Dominican communities.[134]

93. The Committee against Torture was concerned about the recent adoption of the Necessity and Emergency Decree, No. 70/2017, which repealed some of the guarantees contained in Migration Act No. 25871. It had introduced a procedure for the summary expulsion of migrants, drastically reducing the time frame for appealing against expulsion, making it difficult for migrants to access free legal aid and providing for their detention during the summary procedure.[135] The Working Group on Arbitrary Detention emphasized that detention in the context of migration must be an exception and could be justified only if it pursued a legitimate aim and was both proportionate and necessary, and was conducted with judicial oversight.[136]

94. The Committee on the Elimination of Racial Discrimination was concerned about plans to set up a detention centre for migrants awaiting deportation, which could lead to detention not being used as a last resort.[137]

95. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Argentina adopt a comprehensive public programme, with the necessary human resources and funding, for the provision of humanitarian assistance to newly arrived asylum seekers, and develop programmes for the local integration of refugees.[138]

96. UNHCR also recommended that Argentina adopt the draft decree necessary for the effective implementation of the Refugee Law, particularly with regard to family reunification, refugee status determination, the treatment of unaccompanied and separated children, gender-based asylum claims and the availability of durable solutions.[139]

97. UNHCR noted that in 2014, Argentina had established a special programme for the issuance of humanitarian visas for foreigners affected by the conflict in the Syrian Arab Republic.[140]

6. Stateless persons[141]

98. UNHCR commended Argentina for its accession in 2014 to the Convention on the Reduction of Statelessness.[142] It recommended that Argentina adopt national legislation to implement a statelessness determination procedure and incorporate into national legislation the protection provisions guaranteed in the 1954 Convention relating to the Status of Stateless Persons, including measures to facilitate naturalization.[143]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Argentina will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/ARIndex.aspx.
[2] For relevant recommendations, see A/HRC/22/4, paras. 99.1-99.3 and 99.22.
[3] See A/HRC/22/4, para. 99.1 (Portugal).
[4] See CEDAW/C/ARG/CO/7, para. 6, CERD/C/ARG/CO/21-23, para. 3 and CCPR/C/ARG/CO/5, para. 4.
[5] See A/HRC/22/4, para. 99.2 (Hungary, Portugal, Iraq) and para. 99.3 (Uruguay).
[6] See CEDAW/C/ARG/CO/7, para. 6. See also UNHCR submission to the universal periodic review of Argentina, p. 2, and United Nations country team submission to the universal periodic review of Argentina, para. 1.
[7] See A/HRC/35/41/Add.1, para. 89. See also CERD/C/ARG/CO/21-23, para. 37.
[8] See A/HRC/33/51, pp. 14 and 28, and A/HRC/WGEID/110/1, paras. 13-15.
[9] See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[10] OHCHR, "OHCHR in the field: Americas" in: *OHCHR Report 2013*, pp. 260-262; *OHCHR Report 2014*, pp. 204-205; *OHCHR Report 2015*, pp. 190-191; and *OHCHR Report 2016*, pp. 209-211.
[11] OHCHR, "Donor profiles" and "Funds administered by OHCHR" in: *OHCHR Report 2016*, pp. 79, 116-117, 119 and 121; *OHCHR Report 2015*, pp. 98-100 and 102; *OHCHR Report 2014*, pp. 100, 103 and 105; *OHCHR Report 2013*, pp. 165-166 and 169-170; and *OHCHR Report 2012*, pp. 151-152 and 155.
[12] For relevant recommendations, see A/HRC/22/4, paras. 99.5, 99.9, 99.12-99.16 and 99.23.
[13] See CEDAW/C/ARG/CO/7, para. 4.
[14] Ibid., para. 5, and CCPR/C/ARG/CO/5, para. 3.
[15] See CCPR/C/ARG/CO/5, paras. 5-6, and CERD/C/ARG/CO/21-23, paras. 14-15. See also country team submission, para. 46, A/HRC/35/30/Add.3, paras. 72 and 81, A/HRC/35/41/Add.1, para. 25, and www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[16] See CCPR/C/ARG/CO/5, paras. 13-14, CED/C/ARG/CO/1, paras. 30-31, CAT/C/ARG/CO/5-6, paras. 25-26, and CAT/OP/ARG/1, paras. 15-16. See also country team submission, para. 11, and www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[17] See country team submission, para. 47.
[18] For relevant recommendations, see A/HRC/22/4, paras. 99.21, 99.27-99.32 and 99.76.
[19] See CEDAW/C/ARG/CO/7, paras. 18-19. See also A/HRC/35/30/Add.3, para. 7.
[20] See CERD/C/ARG/CO/21-23, paras. 6-9. See also A/HRC/35/30/Add.3, para. 30.
[21] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20005&LangID=E. See also A/HRC/35/41/Add.1, para. 94, and CERD/C/ARG/CO/21-23, paras. 12-13.
[22] See country team submission, para. 4. See also CERD/C/ARG/CO/21-23, para. 16, and A/HRC/35/41/Add.1, paras. 21-23 and 95-96.
[23] See country team submission, paras. 38-39. See also A/HRC/35/41/Add.1, para. 77.
[24] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21348&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21343&LangID=E. See also country team submission, paras. 5 and 40.
[25] See country team submission, para. 40.
[26] Ibid., para. 41.
[27] For relevant recommendations, see A/HRC/22/4, paras. 99.33-99.45.

[28] See CAT/C/ARG/CO/5-6, para. 9.
[29] Ibid., paras. 13-14. See also CED/C/ARG/CO/1, paras. 14-15, CCPR/C/ARG/CO/5, paras. 17-18, A/HRC/35/41/Add.1, paras. 111 and 113, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18494&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=E.
[30] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=E. See also CAT/C/ARG/CO/5-6, paras. 13-14.
[31] See CEDAW/C/ARG/CO/7, paras. 20-21. See also A/HRC/35/30/Add.3, paras. 35-37, CAT/C/ARG/CO/5-6, para. 36, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21343&LangID=E.
[32] See CAT/OP/ARG/1, paras. 24, 33 and 50. See also CAT/C/ARG/CO/5-6, paras. 11-12.
[33] See CCPR/C/ARG/CO/5, paras. 19-20, and CAT/C/ARG/CO/5-6, paras. 17-18. See also CEDAW/C/ARG/CO/7, paras. 44-45, CAT/OP/ARG/1, paras. 44-46, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=E.
[34] See CAT/OP/ARG/1, para. 47. See also A/HRC/35/30/Add.3, paras. 40 and 87.
[35] See country team submission, para. 11. See also CCPR/C/ARG/CO/5, paras. 23-24, CAT/OP/ARG/1, paras. 28-31 and 59, and CAT/C/ARG/CO/5-6, paras. 15-16.
[36] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[37] See CCPR/C/ARG/CO/5, paras. 13-14. See also CAT/OP/ARG/1, paras. 37 and 113, CEDAW/C/ARG/CO/7, paras. 44-45, A/HRC/35/30/Add.3, para. 38, CAT/C/ARG/CO/5-6, paras. 11-12 and 19, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21343&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=E.
[38] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[39] See A/HRC/WGAD/2016/31.
[40] See CEDAW/C/ARG/CO/7, paras. 44-45. See also CAT/OP/ARG/1, paras. 51-52, and CAT/C/ARG/CO/5-6, para. 39.
[41] See CRPD/C/ARG/CO/1, paras. 23-24. See also CCPR/C/ARG/CO/5, paras. 21-22, CAT/OP/ARG/1, paras. 94-102, and www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[42] For relevant recommendations, see A/HRC/22/4, paras. 99.10 and 99.68-99.73.
[43] See CCPR/C/ARG/CO/5, para. 27. See also CAT/C/ARG/CO/5-6, paras. 37-38, and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16733&LangID=E.
[44] See CCPR/C/ARG/CO/5, paras. 25-26.
[45] See CED/C/ARG/CO/1, paras. 20-21. See also CCPR/C/ARG/CO/5, paras. 25-26, and A/HRC/27/49/Add.2, para. 18.
[46] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21758&LangID=S and www.ohchr.org/Documents/Issues/Truth/ComunicacionConjuntafromSP_Ley2x1Argentina.pdf.
[47] See CCPR/C/ARG/CO/5, para. 34. See also http://acnudh.org/argentina-fallos-de-corte-suprema-sobre-lesa-humanidad-deben-tener-en-cuenta-estandares-internacionales-de-derechos-humanos-acnudh/.
[48] See CEDAW/C/ARG/CO/7, paras. 12-13.
[49] See A/HRC/35/41/Add.1, para. 108. See also CERD/C/ARG/CO/21-23, paras. 29-30, CEDAW/C/ARG/CO/7, paras. 12-13, country team submission, para. 16, and A/HRC/35/30/Add.3, para. 32.
[50] See CCPR/C/ARG/CO/5, para. 30.
[51] See country team submission, para. 18.
[52] For relevant recommendations, see A/HRC/22/4, paras. 99.77-99.84.
[53] See country team submission, para. 7.
[54] See CEDAW/C/ARG/CO/7, paras. 26-27. See also country team submission, para. 7.
[55] See A/HRC/35/41/Add.1, paras. 45 and 98.
[56] See CERD/C/ARG/CO/21-23, paras. 25-26. See also A/HRC/35/41/Add.1, para. 41, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=E.
[57] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21637&LangID=E.
[58] See CCPR/C/ARG/CO/5, paras. 35-36.
[59] See country team submission, para. 20.
[60] UNESCO submission to the universal periodic review of Argentina, pp. 4 and 7. See also A/HRC/35/41/Add.1, paras. 82 and 114.
[61] See A/HRC/35/41/Add.1, para. 115.
[62] See A/HRC/22/4, para. 99.77 (Belgium).
[63] See http://acnudh.org/argentina-acnudh-celebra-aprobacion-de-ley-de-acceso-a-la-informacion-en-la-camara-de-diputados/. See also UNESCO submission, pp. 4 and 7.
[64] See country team submission, para. 19.

[65] For relevant recommendations, see A/HRC/22/4, paras. 99.58-99.65.
[66] See A/HRC/22/4, para. 99.60 (Bolivarian Republic of Venezuela).
[67] See CEDAW/C/ARG/CO/7, paras. 4 and 22-23. See also UNHCR submission, p. 2.
[68] See CEDAW/C/ARG/CO/7, paras. 22-23. See also www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS_343022/lang--en/index.htm, and country team submission, para. 15.
[69] See country team submission, paras. 13 and 15. See also www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS_343022/lang--en/index.htm.
[70] See CEDAW/C/ARG/CO/7, paras. 30-31. See also A/HRC/25/50/Add.3, paras. 56 and 85 and www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3183514.
[71] See CRPD/C/ARG/CO/1, paras. 35-36.
[72] See CEDAW/C/ARG/CO/7, para. 47.
[73] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21348&LangID=E.
[74] For the relevant recommendation, see A/HRC/22/4, para. 99.88.
[75] See CEDAW/C/ARG/CO/7, paras. 30-31. See also country team submission, para. 22.
[76] See CCPR/C/ARG/CO/5, paras. 7-8. See also CEDAW/C/ARG/CO/7, paras. 30-31, and A/HRC/25/50/Add.3, para. 54.
[77] See CERD/C/ARG/CO/21-23, para. 31.
[78] See CRPD/C/ARG/CO/1, paras. 43-44.
[79] See CCPR/C/ARG/CO/5, para. 3. See also CEDAW/C/ARG/CO/7, paras. 30-31.
[80] See A/HRC/25/50/Add.3, paras. 57-60 and 85. See also CRPD/C/ARG/CO/1, paras. 45-46, CEDAW/C/ARG/CO/7, paras. 42-43, and UNHCR submission, p. 3.
[81] For relevant recommendations, see A/HRC/22/4, paras. 99.18, 99.85 and 99.87.
[82] See CERD/C/ARG/CO/21-23, paras. 6-7. See also A/HRC/35/41/Add.1, paras. 34-36, and country team submission, para. 34.
[83] See A/HRC/25/50/Add.3, paras. 67-69.
[84] See CERD/C/ARG/CO/21-23, para. 6. See also CEDAW/C/ARG/CO/7, paras. 40-41.
[85] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20286&LangID=S.
[86] For relevant recommendations, see A/HRC/22/4, paras. 99.17, 99.20 and 99.89-99.96.
[87] See A/HRC/25/50/Add.3, para. 61. See also country team submission, para. 23.
[88] See A/HRC/35/41/Add.1, para. 34. See also A/HRC/35/30/Add.3, para. 31.
[89] See CEDAW/C/ARG/CO/7, paras. 32-33.
[90] Ibid., paras. 34-35.
[91] See country team submission, para. 29. See also CEDAW/C/ARG/CO/7, paras. 34-35, and A/HRC/35/30/Add.3, paras. 23 and 84.
[92] See CCPR/C/ARG/CO/5, paras. 11-12. See also A/HRC/35/30/Add.3, paras. 24-27.
[93] See country team submission, para. 25. See also A/HRC/35/30/Add.3, para. 25 and 85, and CEDAW/C/ARG/CO/7, para. 33.
[94] See CEDAW/C/ARG/CO/7, paras. 32-33.
[95] See A/HRC/35/30/Add.3, para. 85.
[96] See CEDAW/C/ARG/CO/7, paras. 32-33.
[97] See CRPD/C/ARG/CO/1, paras. 39-40. See also CEDAW/C/ARG/CO/7, paras. 34-35.
[98] See CRPD/C/ARG/CO/1, paras. 41-42.
[99] See A/HRC/25/50/Add.3, para. 64. See also CEDAW/C/ARG/CO/7, paras. 40-41.
[100] See A/HRC/22/4UPR, para. 99.4 (Uruguay).
[101] See CEDAW/C/ARG/CO/7, paras. 34-35. See also country team submission, para. 2.
[102] For relevant recommendations, see A/HRC/22/4, paras. 99.17 and 99.97.
[103] See country team submission, para. 28.
[104] See CEDAW/C/ARG/CO/7, paras. 28-29.
[105] See A/HRC/35/41/Add.1, para. 102. See also CERD/C/ARG/CO/21-23, paras. 27-28, and UNESCO submission, pp. 6-7.
[106] See CRPD/C/ARG/CO/1, paras. 37-38. See also UNESCO submission, p. 7.
[107] For relevant recommendations, see A/HRC/22/4, paras. 99.6-99.7, 99.24-99.26 and 99.46-99.61.
[108] See CEDAW/C/ARG/CO/7, paras. 10-11. See also www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=20901&LangID=S and A/HRC/35/30/Add.3, para. 77.
[109] See CEDAW/C/ARG/CO/7, paras. 14-15. See also country team submission, para. 6, and A/HRC/35/30/Add.3, para. 70.
[110] See CEDAW/C/ARG/CO/7, paras. 5 and 20-21, and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20903&LangID=E. See also CCPR/C/ARG/CO/5, paras. 3 and 10-11.
[111] See CCPR/C/ARG/CO/5, paras. 9-10. See also CEDAW/C/ARG/CO/7, para. 4, and A/HRC/35/30/Add.3, para. 86.

[112] See A/HRC/35/30/Add.3, para. 88. See also country team submission, para. 8.
[113] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20903&LangID=E.
[114] See A/HRC/35/30/Add.3, para. 12.
[115] Ibid., paras. 48 and 77. See also CEDAW/C/ARG/CO/7, paras. 20-21.
[116] See A/HRC/35/30/Add.3, paras. 14 and 81.
[117] For relevant recommendations, see A/HRC/22/4, paras. 99.8, 99.11, 99.46, 99.59, 99.66-99.67 and 99.74-99.75.
[118] See country team submission, para. 30.
[119] Ibid., para. 30.
[120] See A/HRC/35/30/Add.3, para. 18.
[121] See CCPR/C/ARG/CO/5, paras. 15-16.
[122] For relevant recommendations, see A/HRC/22/4, paras. 99.13 and 99.98-99.107.
[123] See CRPD/C/ARG/CO/1, paras. 5-6.
[124] Ibid., paras. 51-52. See also country team submission, para. 31.
[125] See CRPD/C/ARG/CO/1, para. 12.
[126] Ibid., paras. 19-20.
[127] For relevant recommendations, see A/HRC/22/4, paras. 99.31, 99.74 and 99.108-99.112.
[128] See A/HRC/35/41/Add.1, para. 65.
[129] See CERD/C/ARG/CO/21-23, para. 16-17.
[130] Ibid., paras. 18-19. See also country team submission, para. 33.
[131] See CERD/C/ARG/CO/21-23, paras. 20-21.
[132] Ibid., paras. 23-24. See also CCPR/C/ARG/CO/5, para. 38, CEDAW/C/ARG/CO/7, paras. 40-41, and country team submission, paras. 32 and 34.
[133] For relevant recommendations, see A/HRC/22/4, paras. 99.31 and 99.112-99.118.
[134] See CERD/C/ARG/CO/21-23, paras. 33-34. See also country team submission, paras. 35 and 37, and A/HRC/35/41/Add.1, paras. 54-56.
[135] See CAT/C/ARG/CO/5-6, para. 33. See also UNHCR submission, p. 5, and www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[136] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=E.
[137] See CERD/C/ARG/CO/21-23, paras. 33-34. See also UNHCR submission, p. 5, and www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21636&LangID=S.
[138] UNHCR submission, pp. 2-3. See also A/HRC/35/41/Add.1, paras. 58-59 and 107.
[139] UNHCR submission, p. 4.
[140] Ibid., p. 1. See also A/HRC/35/41/Add.1, para. 57, and www.acnur.org/noticias/noticia/argentina-renueva-su-compromiso-de-solidaridad-internacional-con-los-refugiados/.
[141] For the relevant recommendation, see A/HRC/22/4, para. 99.2.
[142] UNHCR submission, p. 2.
[143] Ibid., pp. 4-5.